

KAS

## UNITED STATES DISTRICT COURT

## SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 JUL 10 AM 9:50

UNITED STATES OF AMERICA, )  
 Plaintiff, )  
 v. )  
 Eleuterio JUAREZ-Mendoza )  
 Defendant. )  
 \_\_\_\_\_ )

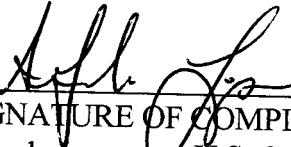
Magistrate Case No. \_\_\_\_\_

BY KMH DEPUTYTitle 8, U.S.C., Section 1326  
Attempted Entry After  
Deportation

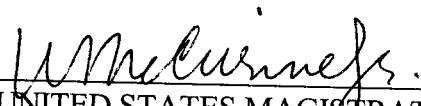
The undersigned complainant being duly sworn states:

On or about **July 9, 2008**, within the Southern District of California, defendant **Eleuterio JUAREZ-Mendoza**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
 SIGNATURE OF COMPLAINANT  
 Alfredo Loperena, U.S. Customs and Border  
 Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 10<sup>th</sup> DAY OF JULY, 2008.

  
 J. McCarren Jr.  
 UNITED STATES MAGISTRATE JUDGE

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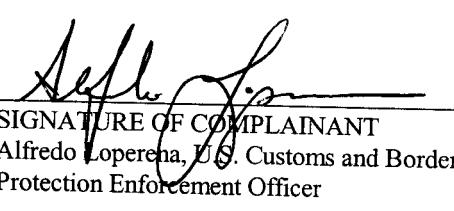
### PROBABLE CAUSE STATEMENT

On July 9, 2008, at approximately 5:20 AM, **Eleuterio JUAREZ-Mendoza (Defendant)** made application for admission into the United States at the San Ysidro Port of Entry via pedestrian lanes. Defendant presented a Permanent Resident Card (I-551) bearing the name Lauro Castaneda-Menchaca (A11 399 762). Upon inspection before a Customs and Border Protection (CBP) Officer, Defendant stated he was on his way to San Diego to work in construction and that he had nothing to declare but his lunch. The Officer noticed that Defendant did not resemble the image on the Permanent Resident Alien Card. CBP officer compared the right index fingerprint to the fingerprint on the document and noted that they did not match. The Officer suspected Defendant was an impostor to the document presented and elected to escort him to secondary for further inspection.

In secondary, Defendant's fingerprints were obtained and queried through the Integrated Automated Fingerprint Identification System (IAFIS) revealing Defendant's true identity. Defendant was identified as an alien previously removed from the United States. Defendant was referred to the Prosecution Unit for further processing.

Further queries using the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed Defendant to be a citizen of Mexico with no legal documents or entitlements to enter the United States. DACS indicates that on or about May 15, 2000, an Immigration Judge ordered Defendant deported from the United States and Defendant was subsequently removed to Mexico. DACS further shows Defendant was last physically removed from the United States to Mexico on or about July 1, 2008, through the Calexico Port of Entry. Immigration service records contain no evidence that Defendant has applied for, nor received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally re-enter the United States.

Defendant was advised of his Miranda rights and agreed to submit to questioning without the benefit of counsel. A videotaped interview was obtained with the following declaration: Defendant declared to be a citizen of Mexico by birth in Teloluapan, Guerrero, Mexico who has no entitlement to entry, passage or residency in the United States. Defendant admitted that he has been formally removed from the United States on two prior occasions. Defendant has not applied for nor received authorization to re-enter the United States. Defendant stated he attempted illegal entry into the United States in an effort to re-establish residency and was going to Los Angeles, California.

  
\_\_\_\_\_  
SIGNATURE OF COMPLAINANT  
Alfredo Loperena, U.S. Customs and Border  
Protection Enforcement Officer

  
\_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE